IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22086 of 2004

Between:

Smt.Besta Manemma W/o.Late B.Salaiah
R/o.Tirmalapur Village Bhanswada Mandal, Nizamabad District.

.... PETITIONER

AND

1 The Commissioner of Cooperative Societies Cum

Registrar of Cooperative Societies Govt.of

A.P.Hyderabad.

2 The General Manager Nizamabad District Coop. Central

Bank Ltd., Nizamabad, Nizamabad District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction declaring the notice in Ref.No.1043/Estt/04-05, Dt.30/10/2004 of the second respondent in terminating the service of the petitioner as illegal, arbitrary, against principles of natural justice and in violation of Art 14 and 21 of Constitution of India and set aside the same and further suspend the operation of termination notice in Ref.No.1043/Estt/04-05 dt.30.10.2004 of the second respondent and pass such other order or orders.

Counsel for the Petitioner: MR.T.AMARNATH GOUD

Counsel for the Respondent No.1: GP FOR COOPERATION
Counsel for the Respondent No.2:Mr.K.Janardhan Reddy

The Court at the admission stage made the following:

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ORDER: -

The petitioner was appointed as a Messenger by the Nizamabad District Cooperative Central Bank Limited, on compassionate grounds, through proceedings, dated 15.07.2003. However, her appointment was subject to relaxation of the age and qualification by the Commissioner of Cooperative Societies-Cum-Registrar of Cooperative Societies (for short "the first respondent"). It was in that context that the second respondent addressed a letter to the first respondent seeking relaxation of age and qualification of the petitioner. Through proceedings, dated 21.7.2004, the first respondent refused to relax the age and qualification of the petitioner. Consequently, the second respondent passed an order, dated 30.10.2004, terminating the services of the petitioner. The same is challenged in this writ petition.

2. Heard learned counsel for the petitioner and the learned Government Pleader for cooperation, as well as the learned Standing Counsel for the second respondent.

3. Though several grounds are urged by the learned counsel for the petitioner such as non-issuance of notice or non-observance of the procedure prescribed under the A.P. Cooperative Societies Act, or Industrial Disputes Act, this Court is not impressed with the same, for the reason, that the appointment of the petitioner itself was subject to the relaxation of age and qualification of the petitioner, by the first respondent. It is not as if the services of the petitioner were terminated on a ground, which was not known to the petitioner or indicated in the order of appointment. Once the first respondent has refused to relax the age and qualification of the petitioner, the second respondent is helpless, and he is under obligation to conform to the orders passed by the first respondent. In that view of the matter, no relief as such can

be granted to the petitioner in this writ petition. It is however, left open to the petitioner to seek relief against the order, dated 21.7.2004, passed by the first respondent. The second respondent shall make available to the petitioner, a copy of the same.

4. The writ petition is accordingly disposed of, leaving it open to the petitioner to work out her remedies against the proceedings, dated 21.7.2004 passed by the first respondent. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated: 01st December, 2004

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To

1 The Commissioner of Cooperative Societies Cum

Registrar of Cooperative Societies Govt.of

A.P.Hyderabad.

2 The General Manager Nizamabad District Coop. Central

Bank Ltd., Nizamabad, Nizamabad District.

3 2 CCs to G.P for Cooperation, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies